



**STATE CORONER'S COURT  
OF NEW SOUTH WALES**

**Inquest:** Inquest into the discovery of unidentified human remains located at Randwick

**Hearing dates:** 19 January 2018

**Date of findings:** 19 January 2018

**Place of findings:** NSW State Coroner's Court, Glebe

**Findings of:** Magistrate Derek Lee, Deputy State Coroner

**Catchwords:** CORONIAL LAW – unidentified human remains, unknown bones, Randwick construction site, Lyndsay Van Blanken, William Mathieson

**File number:** 2016/264292 & 2016/264337

**Representation:** Mr T O'Donnell, Coronial Advocate Assisting the Coroner

**Findings:** I find that 12 human bones were discovered between 30 August 2016 and 4 September 2016 during the excavation of a construction site at 57-63 Pauls Street, Randwick. The total of 12 bones could have come from a minimum of 2 different female persons and a maximum of 11 different persons, at least two of whom were female. The available evidence does not allow for any further finding to be made as to the identity of the persons whose bones were discovered. Three of the 12 bones, namely a femur, left parietal bone, and right cranial fragment, are all anatomy teaching specimens. The available evidence does not allow for any further finding to be made as to the cause or manner of death of the persons who died. The available evidence also does not allow for any finding to be made as to when and where the persons died.

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## **Introduction**

1. On 30 August 2016 two contractors who were working on the excavation of a construction site made an unusual and surprising discovery. They found 2 human bones on the site and, a short time later, a bank card belonging to a teenage girl who was murdered sometime between November 2003 and January 2004. When this discovery was reported to the police the site was carefully examined and a number of other human bones were discovered.

## **Why was an inquest held?**

2. A Coroner's function and the purpose of an inquest are provided for by law as set out in the *Coroners Act 2009* (the Act). One of the primary functions of a Coroner is to investigate the circumstances surrounding a reportable death. This is done so that evidence may be gathered to allow a Coroner to fulfil his or her functions. A Coroner's primary function is to answer questions about the identity of the person who died, when and where they died, and what the cause and the manner of their death was. The manner of a person's death means the circumstances surrounding their death and the events leading up to it.
3. The discovery of any bones which are believed to be human is reportable to a Coroner. In most cases such bones, after being examined, are subsequently found to be of animal, and not human, origin. However, where bones are found to be human, a Coroner must examine the evidence gathered during the subsequent investigation. This is done in order to answer the questions referred to above. When those questions cannot be answered an inquest must be held.

## **How did the bones come to be discovered?**

4. At about 10:00am on Tuesday, 30 August 2016 two landscape contractors were using an excavator at 57-63 Pauls Street, Randwick. The address was the site of a residential property development where construction work began in 2014 and was due for completion by the end of 2016. The contractors were excavating an area on the eastern side of the site in preparation for the construction of a retaining wall. The excavator was fitted with a 900mm or 1200mm bucket and was being used to dig a trench in this area. The soil excavated during this process was being deposited next to the excavator which was positioned on an embankment above the trench.
5. During the process one of the excavators realised that he had unearthed 2 bones. One bone was approximately 30cm in length. The other bone was about 8cm in length and appeared to be a curved fragment of a skull. One of the contractors examined the bones. In the course of his work he had previously excavated animal bones and believed these 2 bones to also be of animal origin. Accordingly, the bones were set aside and the excavation work continued.
6. At about 12:30pm, during the excavation of a second trench near the first one, a dark coloured backpack was unearthed. The contractors cut open the backpack and found it contained a number of small personal items. Inside a small zippered compartment at the front of the backpack was a purse. When the contractors opened the purse they found a bank card in the name of Lyndsay Van Blanken. The contractors conducted an internet search of this name and discovered that Lyndsay was the victim of a murder in 2003. The contractors reported the discovery of the backpack to the construction site manager who in turn notified the local police at Maroubra.

## **What were the results of the initial police investigation?**

7. A number of police officers later attended the site and secured the area where the bones and backpack had been discovered in order to preserve the integrity of a potential crime scene. After examining the area where the backpack had been discovered, police officers also found a dark coloured left boot. The 2 bones discovered by the contractors were collected and later submitted to the Department of Forensic Medicine on 31 August 2016. The bones were examined by a forensic pathologist who determined that it was likely that the bones were human.
8. Police immediately secured the construction site and, during the afternoon of 31 August 2016, deployed a cadaver dog to examine the area where the bones had been discovered. The cadaver dog made a positive indication in the area where the bones had been found on 30 August 2016, indicating the presence of human remains. Later that afternoon the construction site manager discovered what appeared to be a piece of bone on a concrete slab approximately 15 metres from the excavation area. The location site was consistent with where the excavator had been positioned overnight. It was therefore thought that the bone had fallen from the excavator bucket.
9. Between 1 September 2016 and 4 September 2016 the site was excavated and examined by police officers from the crime scene unit. An area measuring approximately 7 metres by 3.5 metres was excavated and placed through a sifter. On the morning of 1 September 2015 a piece of skull, with what appeared to be a pin embedded in it, was discovered in the embankment area where the excavator had deposited soil from the two trenches. Later that morning a further 5 bone fragments were found in the same area. During the afternoon 4 more bones were discovered in another area containing soil deposited by the excavator.
10. Police at the excavation site made arrangements for Dr Denise Donlon, a forensic anthropologist from the University of Sydney, to attend the site. Later that afternoon Dr Donlon examined the bones on site and concluded that the piece of skull was human in origin and likely a teaching specimen given the pin embedded in it. Dr Donlon also concluded that some of the other bones that had been discovered were also of human origin and appeared to be a lower mandible, a section of the right ulna<sup>1</sup>, a section of the left ulna, and a section of the cervical vertebra.
11. Apart from the bones, the police also located a number of other items on 1 September 2016. These items included a woollen glove, piece of bandage, small glass bottle, and 2 pieces of stocking which had each been tied off in knot which formed a loop, with one of the loops broken apart.
12. On 2 September 2016 Dr Donlon conducted further examination of the 15 bones that had been located up until that time at the Department of Forensic Medicine.
13. On 3 September 2016 police discovered a dark coloured right boot that appeared to match the left boot found on 30 August 2016. On this day a further 20 bone fragments were discovered.
14. On 4 September 2016 a further 6 bone fragments were discovered.

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<sup>1</sup> A long bone found in the forearm.

## What bones were discovered?

15. The bones located between 30 August 2016 and 4 September 2016 were separated into 3 batches consisting of:

- (a) 4 bones located on 30 August 2016 (**Batch 1**);
- (b) 10 bones located on 31 August 2016 and 1 September 2016 (**Batch 2**); and
- (c) 26 bones located on 3 and 4 September 2016 (**Batch 3**).

16. The Batch 1 bones were examined by Dr Donlon who found that they were all human. They consisted of:

- (a) a right femur with a round hole in the supero-posterior part of the neck of the femur. Dr Donlon noted that it was unclear whether the hole was the result of postmortem drilling or the burrowing of beetles, but opined that the sharpness of the rim of the hole suggested that it may have been drilled and therefore formed part of an anatomy teaching collection;<sup>2</sup>
- (b) 3 cranial fragments consisting of an incomplete left parietal bone<sup>3</sup>, a fragment of frontal bone<sup>4</sup>, and an unidentified fragment of cranial bone. The parietal bone had been cut with a saw in an anterior-posterior position and had a small metal bolt through it, both of which strongly suggested that it had been part of an anatomy teaching collection.

17. Dr Donlon found that 6 bones from Batch 2 were human. They consisted of:

- (a) A right cranial fragment which had been cut with a saw in an anterior-posterior position and had a small bolt through it, which strongly suggested that it was part of an anatomy teaching collection;
- (b) An incomplete human mandible with two breaks that appeared to have made postmortem;
- (c) A right ulna fragment that appeared to have been broken postmortem;
- (d) A left radius shaft<sup>5</sup> fragment that appeared to have been broken postmortem;
- (e) A possible fibula<sup>6</sup> fragment;
- (f) The right side of the first cervical vertebra that appeared to have been broken postmortem.

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<sup>2</sup> Exhibit 1, tab 5, page 3.

<sup>3</sup> Bones in the human skull which, when joined together, form the sides and roof of the cranium.

<sup>4</sup> A bone of the skull found in the forehead region.

<sup>5</sup> A long bone found in the forearm.

<sup>6</sup> A calf bone.

18. The remaining 4 non-human bones from Batch 2 were found by Dr Donlon to have been of sheep and cow origin.
19. Of the Batch 3 bones, only 2 were found to be human. They consisted of:
  - (a) A right ischium<sup>7</sup> with postmortem breaks; and
  - (b) A ischium fragment from the same hip bone that appeared to have been broken postmortem.
20. The remaining 21 bones were found by Dr Donlon to have been of sheep, cow, pig, chicken and bird origin. Three bone fragments were unable to be identified.
21. In a report completed in November 2016<sup>8</sup>, Dr Donlon made the following conclusions in relation to the origin of the bones:
  - (a) **Number of individuals:** the bones could have all come from one person or from up to 11 different people.<sup>9</sup> Although a total of 12 human bones were found, the 2 bones in Batch 3 originated from the same right ischium. Therefore, there were a total of 11 unique bones found.
  - (b) **Determination of ancestry:** the evidence strongly suggested that the parietal bones from Batch 1 and Batch 2 were from an anatomy teaching collection. Dr Donlon noted that most anatomy teaching collections originate from India. However, the loss of teeth in the mandible from Batch 2 was regarded by Dr Donlon as an unusual finding. On this basis Dr Donlon concluded that the mandible may be of Caucasoid, and not Indian, ancestry.<sup>10</sup>
  - (c) **Gender determination:** Dr Donlon noted that the available evidence was inconclusive and that it was not possible to determine gender.<sup>11</sup> The small size of the mandible suggested that it was female. However, antemortem loss of teeth would also result in a small mandible in an older person of either gender. Measurements were taken of the shaft of the mandible and compared against known ranges of Caucasoid males and females. As the measurement fell within both ranges it was also not possible to determine gender.
  - (d) **Age determination:** The size of all the bones, and the loss of teeth in the mandible and remodelling of the alveolar bone<sup>12</sup>, indicated that they were all adult bones.
  - (e) **Time since death:** Dr Donlon was unable to reach any conclusion about the time since death. If the parietal fragments from Batch 1 and Batch 2 formed part of an anatomy teaching collection then Dr Donlon reasoned that they were at least decades old given that the importation of such specimens stopped during the 20th century.<sup>13</sup>

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<sup>7</sup> Lower and back part of the hip bone.

<sup>8</sup> Exhibit 1, tab 5.

<sup>9</sup> Exhibit 1, tab 5, page 4.

<sup>10</sup> Ibid.

<sup>11</sup> Ibid.

<sup>12</sup> The thickened ridge of bone containing the tooth sockets.

<sup>13</sup> Exhibit 1, tab 5, page 4.

### **What forensic testing was conducted on the bones?**

22. Forensic testing was able to recover a partial DNA profile from the femur from Batch 1 and a different partial DNA profile from the ischium fragment from Batch 3.<sup>14</sup> The forensic testing of the remaining bones was either unsuccessful, or unable to recover a DNA profile that was suitable for comparison.

### **What is known about Lyndsay Van Blanken?**

23. The backpack discovered at the scene was later examined along with its contents. Apart from the bankcard in the name of Lyndsay Van Blanken, other personal items such as a key ring, glasses, a Nokia 6150 mobile phone, an Audiophase brand Discman, and a number of compact discs and cassette were also found inside the black backpack.
24. On 22 October 2016, the backpack and its contents, along with the pair of dark-coloured boots, were shown to Mrs Cynthia Pleasance, Lyndsay's mother. Mrs Pleasance confirmed that all the items belonged to Lyndsay.
25. On 25 November 2003 Lyndsay was reported missing to police at Waverley police station. Lyndsay was 18 years old at the time. At the time that Lyndsay was last seen she was noted to be wearing black-coloured boots and to be in possession of a black backpack, a Nokia 6150 mobile phone, an Audiophase brand Discman and other personal items. Lyndsay lived in a unit behind a house where her mother, and her mother's husband, lived.
26. Following the missing person report, police conducted an extensive search to locate Lyndsay. Her body was later discovered on 8 January 2004 inside a large sports bag found in a storeroom at a residential unit block in Queens Park. On 19 May 2004 Lyndsay's former boyfriend, William Mathieson, was charged with Lyndsay's murder. Following a trial in 2005, Mr Mathieson was later convicted and sentenced.

### **Is there any connection between the bones and Lyndsay?**

27. Lyndsay's body was intact when it was discovered on 8 January 2004. This means that the bones found in 2016 do not belong to Lyndsay. This is also confirmed by the fact that some of the bones are anatomy teaching specimens, and that 2 separate female DNA profiles were recovered from two of the bones. However the location of the bones in close proximity to Lyndsay's backpack raises questions as to how the items came to be buried at the construction site and whether there is any connection between them.
28. During the investigation into Lyndsay's murder, police investigators spoke to Mr Mathieson's father, Peter Mathieson, who told investigators that his son and Lyndsay often liked to go scavenging in their neighbourhood and bring home unusual items. On 26 November 2003 Mr Mathieson was interviewed by police and told them that he liked to scavenge items from junk piles and that he had a collection of "*bones, skulls and things*".<sup>15</sup>
29. On 22 October 2016 Mrs Pleasance told police that Lyndsay and Mr Mathieson used to collect animal bones. Mrs Pleasance explained that Lyndsay was artistic and would use the bones in her

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<sup>14</sup> Exhibit 1, tab 6.

<sup>15</sup> Exhibit 1, tab 8, para [36].

artworks. Although Mrs Pleasance said that Lyndsay had told her about collecting animal bones, Mrs Pleasance told police that Lyndsay had never made any mention of collecting human bones.<sup>16</sup> Mrs Pleasance also informed police that she was aware that Lyndsay had told her sister (Louise Betts) that Mr Mathieson had previously stolen items from hospitals.<sup>17</sup> However Lyndsay did not provide any further details about this.

30. The construction site where the bones, backpack and pair of boots were found is located approximately 1 kilometre from an address in Randwick where Mr Mathieson previously lived. Before construction work began at the site in 2004 it was heavily overgrown. Investigating police have theorised that because the soil at the site was sand-based it would not have been difficult to bury items at the site.<sup>18</sup>
31. As the bones were found in soil which had already been moved by the excavator it is difficult to be precise about their original burial position, particularly in relation to the backpack and boots. However, reconstruction of events by the operator of the excavator strongly suggests that the excavated soil in which the bones were found was in close proximity to the location of the backpack and boots prior to excavation.<sup>19</sup> Reconstruction attempts suggest that the bones were found in the first trench excavated and that the backpack was found in the second trench.
32. Investigating police have suggested that Mr Mathieson buried the backpack and pair of boots at the construction site in order to conceal incriminating evidence relating to Lyndsay's murder. Similarly, police believe that Mr Mathieson was also responsible for burying the various human and animal bones at the same time. Police have speculated that Mr Mathieson did so in order to avoid possible scrutiny and further investigation which the discovery of such unusual items in his possession might have prompted.<sup>20</sup> Finally, police have theorised that the 2 pieces of stocking tied in a knot may have been used by Mr Mathieson as ligatures in restraining Lyndsay prior to her murder.<sup>21</sup>
33. On 30 November 2016 police spoke to Mr Mathieson, who was still in custody serving his sentence, and explained that the bones and other personal items had been discovered. Mr Mathieson refused an offer to take part in a recorded interview with police. He also indicated that he did not wish to make any comment in relation to the discovered bones and items.
34. On 1 December 2016 police spoke to Mr Mathieson's parents. Mr Mathieson's father acknowledged that his son had previously collected animal bones. However, both he and his wife denied any knowledge of Mr Mathieson ever possessing human bones, from anatomy teaching collections or otherwise.

35. **CONCLUSION:** The human bones found between 30 August 2016 and 4 September 2016 at the Randwick construction site do not belong to Lyndsay Van Blanken. DNA testing, the location of Lyndsay's intact body on 8 January 2004, and evidence of some of the bones being anatomy teaching specimens all confirm this to be the case.

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<sup>16</sup> Exhibit 1, tab 8, para [38].

<sup>17</sup> Ibid.

<sup>18</sup> Exhibit 1, tab 8, para [41].

<sup>19</sup> Exhibit 1, tab 8, para [42].

<sup>20</sup> Exhibit 1, tab 8, para [49].

<sup>21</sup> Exhibit 1, tab 8, para [43].



36. I conclude that Lyndsay's backpack and boots were buried at the construction site by Mr Mathieson. This occurred sometime between 25 November 2003, when Lyndsay was reported missing, and 19 May 2004, when Mr Mathieson was arrested and charged. The location was only a short distance from where Mr Mathieson lived at the time and the evidence establishes that he clearly had motive to bury the items in order to conceal potentially incriminating evidence.

37. The discovery of the animal bones in close proximity to these items may appear to be coincidental. However, the evidence from the families of Lyndsay and Mr Mathieson is that they were both known to collect animal bones. Further, Mr Mathieson told police that he previously scavenged unusual items including "skulls". Whether Mr Mathieson was referring to animal or human skulls is unclear on the available evidence. However this statement by Mr Mathieson, in conjunction with the other evidence regarding the collection of animal bones by Lyndsay and Mr Mathieson, makes the possibility of coincidence unlikely. The evidence regarding the possibility of Mr Mathieson somehow obtaining human bones unlawfully from hospitals is vague, imprecise and less reliable. However, the location of the bones (both animal and human), and the backpack and boots in close proximity suggests that all the items were buried at the same time and by the same person. I therefore conclude that it is more probable than not that all the bones, together with other items, were buried at the Randwick construction site by Mr Mathieson.

#### **Can any other findings be made?**

38. Despite an extensive investigation conducted by the police, only limited evidence has been gathered in relation to the identity of the persons who died. No evidence has been gathered which allows for any finding to be made as to when and where the persons died, or the cause and manner of their deaths.

39. As a total of 12 human bones were found, Dr Donlon concluded that the bones could have either all belonged to the same person, or could have belonged to 11 separate persons (as the ischium fragment in Batch 3 was part of the ischium also from Batch 3). Subsequent forensic testing, the results of which were not available when Dr Donlon completed her report, has recovered two separate DNA profiles from the femur and ischium. This means that the 12 bones could have belonged to a minimum of 2 different persons and a maximum of 11 different persons, at least 2 of whom were female.

40. Although the bones were buried in Randwick sometime between about 25 November 2003 and 19 May 2004 there is no further evidence which establishes where and when the persons to whom the bones belonged to died. There is only very limited, imprecise evidence regarding how the bones were obtained prior to their burial. From this, no further conclusions can be reached.

41. Equally there is no evidence from which any finding can be made as to causes and manner of deaths of the person who died. The evidence establishes that the femur and left parietal bone from Batch 1, and the right cranial fragment from Batch 2 are all anatomy teaching specimens. Beyond that, the available evidence does not establish anything further as to the origin of these, or any of the other remaining, bones.

42. There is obviously a connection between the burial of the bones and the circumstances of Lyndsay's murder. However, in the course of their investigation the police did not uncover any further evidence to indicate that any suspicion should be attached to the origin of the bones prior to their burial. Dr Donlon noted that all bones which had sustained breaks had sustained

these breaks postmortem. There is therefore no evidence to suggest that the breaks were due to traumatically inflicted injury prior to death.

### **Should any recommendations be made?**

43. Section 82 of the Act allows a Coroner to make recommendations in relation to any matter connected with a person's death may be made if a Coroner considers them to be necessary or desirable. Such recommendations are usually made with view to hopefully improving public health and safety.
44. The DNA profiles gathered during forensic testing and all evidence gathered in relation to the discovery of the bones have already been made available to the NSW Police Missing Persons Unit for potential assistance in the ongoing investigation of missing persons. Accordingly, it is neither necessary nor desirable for any recommendation to be made in this regard.

### **Findings**

45. Before turning to the findings that I am required to make, I would like to acknowledge and thank Mr Tim O'Donnell, Coronial Advocate, for his assistance and Sergeant Matt Fulham, the police officer-in-charge, and his team of investigators, for their comprehensive investigation.
46. The findings I make under section 81(1) of the Act are:

#### ***Identity***

The femur and ischium fragment are female in origin. The total of 12 human bones could have come from a minimum of 2 different female persons and a maximum of 11 different persons, at least two of whom were female. The femur, left parietal bone, and right cranial fragment are all anatomy teaching specimens. The available evidence does not allow for any further finding to be made as to the identity of the persons to whom the bones belonged.

#### ***Date of death***

The available evidence does not allow for any finding to be made as to the date of the persons who died.

#### ***Place of death***

The available evidence does not allow for any finding to be made as to the place where the persons died.

#### ***Cause of death***

The available evidence does not allow for any finding to be made as to the causes of death of the persons who died.

#### ***Manner of death***

The available evidence does not allow for any finding to be made as to the manner of death of the persons who died.

## **Epilogue**

47. The discovery of Lyndsay's belongings in 2016, 13 years after her murder, would have no doubt been very distressing for Lyndsay's family and brought back painful memories and created a great deal of uncertainty for them. I would like to acknowledge the presence of Lyndsay's mother during the inquest. Hopefully the police investigation, the inquest, and these findings have been able to alleviate some of that uncertainty and answer some of the questions that Lyndsay's family may have had.
48. I close this inquest.

Magistrate Derek Lee  
Deputy State Coroner  
19 January 2018  
NSW State Coroner's Court, Glebe